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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,848	03/31/2000	James Aloysius Donnelly	AUS000116US1	9561
45802	7590	05/19/2005	EXAMINER	
LALLY & LALLY, L.L.P. P. O. BOX 684749 AUSTIN, TX 78768-4749			FLYNN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,848

Applicant(s)

DONNELLY ET AL.

Examiner

Kimberly D. Flynn

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12-16 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-16 and 19-23 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on November 03, 2004, PROSECUTION IS HEREBY REOPENED. For the reasons set forth below:

2. Applicant's arguments, filed November 03, 2004, with respect to claims 2-9, 12-16 and 19-23 have been fully considered and are persuasive. The rejection of claims 3-9, 12-16 and 19-23 has been withdrawn.

3. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (U.S. Patent No. 6,374,287, hereinafter Goldstein)

In considering claim 1, Goldstein discloses a system for allowing client processes to run on distributed window server extensions comprising:

a terminal including a display, a keyboard, and a pointing device (col. 3, lines 20-24);

a display server on the local host associated with a user of the terminal, wherein the display server enables the user to execute GUI application on the local and remote hosts from the terminal via a display server authorization mechanism (col. 3, lines 50-67 through col. 1, lines 1-9); and

while Goldstein discloses receiving a request or command from a local client to perform an action and sending the request to the remote extension residing on the remote computer, (col. 4, lines 58-67 through col. 5, lines 1-5) Goldstein does not explicitly disclose that the request or command is entered as a text string and executed as a shell command on the remote host via the display server. Nonetheless, Examiner takes official notice that entering a text string at a terminal as a shell command to be executed on a remote host and displaying the output of the commands are well known features of the notoriously well-known TELNET protocol which preferably runs under the UNIX operating system.

Telnet is a terminal-remote host application that communicates with a remote host using a TELNET protocol, enabling a user to execute shell commands on the remote host and displaying the output of the commands. The X Window System, as claimed by the applicant, allows users to simultaneously access applications (TELNET) on one or more UNIX servers and display results in multiple windows on a local display. The uses and advantages for using the

Art Unit: 2153

TELNET protocol were well known in the art at the time the invention was made, therefore; one of ordinary skill in the art would have found it obvious to modify the system disclosed by Goldstein to include the TELNET protocol and allow the remote execution of shell commands because it would expand the compatibility and usability of the system for executing remote commands.

In considering claim 2, it is inherent that the TELNET protocol, which allows the remote execution of shell commands, utilizes a daemon process running on the UNIX server to retrieve the text string and execute the text string as the shell command. The daemon process is a background process used for handling operating system tasks.

Allowable Subject Matter

6. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 6-9, 12-16, and 19-23 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Flynn whose telephone number is 571-272-3954.

The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

((703) 872-93068, for After Final communications

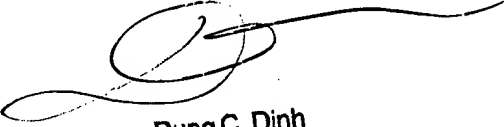
(703) 746-7239, for Official communications

(703) 746-7240, for Non-Official/Drafts.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571-272-3607).

Kimberly D Flynn
Examiner
Art Unit 2153

KF
May 16, 2005



Dung C. Dinh
Primary Examiner